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Attorney Docket No.: Enz-7(P)(C3)

FEB 06 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jannis Stavrianopoulos et al.

Serial No.: 08/486,070 Group Art Unit: 1631

Filed: June 7, 1995 Primary Exam'r: John S. Brusca

For: **NUCLEIC ACIDS FIXED OR IMMOBILIZED TO NON-POROUS
SOLID SUPPORT, AND SYSTEM, ARRAY AND NON-POROUS
GLASS OR PLASTIC SOLID SUPPORT COMPRISING SUCH FIXED
OR IMMOBILIZED NUCLEIC ACIDS**

Confirmation No.:

CERTIFICATE OF FACSIMILE TRANSMISSIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence (total of 137 pages including this sheet) comprising:

Fifth Supplemental Information Disclosure Statement
Under 37 C.F.R. §§1.56 & 1.97-1.98 (& 8 Exhibits)

was sent to the United States Patent and Trademark Office by telefax to (571) 273-8300.

Date: February 6, 2006

Respectfully submitted,



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Applicant(s):	Stavrianopoulos et al.	}	FEB 06 2006
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Group Art Unit: 1631

Primary Exam'r: John S. Brusca

527 Madison Avenue, 9th Floor
New York, NY 10022-4304
February 6, 2006

FILED VIA FACSIMILE TRANSMISSION
TO: (571) 273-8300

Mail Stop No-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§1.56 & 1.97-1.98

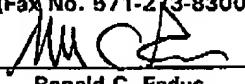
Dear Sirs:

Pursuant to the provisions of 37 C.F.R. §§1.97-1.98, and in full compliance with their duty of disclosure under 37 C.F.R. §1.56, Applicants, through their attorney, are bringing the following twelve (12) documents¹ to the attention of the U.S. Patent and Trademark Office and the Examiner handling their above-identified application:

¹ Among the twelve documents listed below, eight documents are being submitted in their original language. For three non-English language documents, English translations have been provided. For one of the non-English language patent documents, a corresponding U.S. patent has been provided. Hence, there are twelve documents, including English translations, that are being submitted herewith.

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CERTIFICATE OF TRANSMISSION	
<p>I hereby certify that this paper (Fifth Supplemental Information Disclosure Statement Under 37 C.F.R. §§ 1.56 & 1.97-1.98) (along with any documents referred to as attached or enclosed) is being facsimile transmitted to the United States Patent and Trademarks (Fax No. 571-273-8300) on February 6, 2006.</p>	
 Ronald C. Fedus Reg. No. 32,567	<u>Feb 6 2006</u> Date

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1. Kourilsky et al., WO 83/02276, published July 7, 1983 [copy provided as Exhibit 1];
2. English translation of Kourilsky et al., WO 83/02276 [Exhibit 2];
3. Tchen et al., WO 83/02286, published July 7, 1983 [Exhibit 3];
4. U.S. Patent No. 5,098,825, issued March 24, 1992, filed as a continuation application of U.S. Patent Application Serial No. 525/269, filed August 23, 1983, claiming priority of France 81 24131, filed December 23, 1981 [Exhibit 4];
5. Gall and Pardue, "Formation and Detection of RNA-DNA Hybrid Molecules in Cytological Preparations," Genetics 63:378-383 (1969) [Exhibit 5];
6. Buongiorno-Nardelli and Amaldi, "Autoradiographic Detection of Molecular Hybrids between rRNA and DNA in Tissue Sections," Nature 225:946-948 (1970) [Exhibit 6];
7. Sugiura et al., U.S. Patent No. 4,280,992, issued July 28, 1981 [Exhibit 7];
8. Ueda et al., "Serological analysis of cell surface antigens of null cell acute lymphocyte leukemia et al.," Proc. Natl. Acad. Sci. (USA) 79:4386-4390 (July 1982) [Exhibit 8];
9. Method in Nucleic Acid Research, "DNA-DNA Hybridization," Kyoritsu Shuppan Co., Ltd., publisher, 1973, pages 60-67 and 242 [Exhibit 9];
10. English translation of Method in Nucleic Acid Research, "DNA-DNA Hybridization," Kyoritsu Shuppan Co., Ltd., publisher, 1973, pages 60-67 and 242 [Exhibit 10];
11. Dictionary of Biochemistry, Tokyo Kagaku Doujin, 1984, entries on pages 727, 507, 450 and one other page [Exhibit 11]; and
12. English translation of Dictionary of Biochemistry, Tokyo Kagaku Doujin, 1984, entries on pages 727, 507, 450 and one other page [Exhibit 12].

Copies of the above-listed documents are provided as Exhibits 1-12.

Applicants have also provided as Exhibit 13 two pages of the Form PTO-

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SB/08A (modified) with these twelve documents and exhibit numbers listed thereon. It is respectfully requested that these above-listed documents be made of record by the U.S. Patent and Trademark Office in this application.

As noted above, the first above-listed document [Exhibit 1], WO 83/02276, is in French; thus, an English translation of WO 83/02276 has also been provided in **Exhibit 2**. The same applies to the two Japanese documents listed in **Exhibit 9** and **Exhibit 11**, for which English translations have been provided in **Exhibit 10** and **Exhibit 12**, respectively.

Although copies of U.S. patents are not required under 37 C.F.R. §1.98(a)(2)(ii), Applicants have nevertheless provided a copy of U.S. Patent No. 5,098,825 (**Exhibit 4**), because it is based upon the same priority document (France 81/24131) as Tchen et al., WO 83/02286 (**Exhibit 3**). Therefore, U.S. Patent No. 5,098,825 serves as an English language equivalent for WO 83/02286. This equivalence is also seen in the results of a recent computer search that accessed Dialog® File 351: Derwent WPI. The computer results are also provided in **Exhibit 4**. A complete copy of Sugiura et al., U.S. Patent No. 4,280,992 has also been provided in **Exhibit 7**.

The twelve above-listed documents recently came to the attention of Applicants' undersigned attorney earlier this month while reviewing the file histories for this application, including its predecessor applications and foreign counterparts.

Applicants respectfully point out that the submission of the above documents is neither an admission that they are prior art, nor that they are material to patentability of any claims of the application.

Consideration of these documents and the prompt return of a copy of the enclosed Form SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

This Fifth Supplemental IDS is being filed after Applicants' February 1, 2006 Request Under 37 C.F.R. §1.129(a) For Withdrawal Of The Finality Of The September 29, 2005 Office Action. Therefore, the submission of this Fifth

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Supplemental IDS is believed to be proper and timely.

Pursuant to 37 C.F.R. §1.97(c)(2), The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 in the amount of \$180.00 as set forth in §1.17(p). No other fee or fees are believed to be due in connection with this paper. In the event that any other fee or fees are due, however, authorization is given to charge the amount of any such fee(s) to Deposit Account No. 05-1135, or to credit any overpayment thereto.

Respectfully submitted,


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